



Entered on Docket  
December 10, 2007

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

**LEWIS AND ROCA LLP**

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*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:  
USA COMMERCIAL MORTGAGE  
COMPANY,  
USA CAPITAL REALTY ADVISORS,  
LLC,  
USA CAPITAL DIVERSIFIED TRUST  
DEED FUND, LLC,  
USA CAPITAL FIRST TRUST DEED  
FUND, LLC,  
USA SECURITIES, LLC,  
Debtors.

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR  
Case No. BK-S-06-10729-LBR

**CHAPTER 11**

Jointly Administered Under Case No. BK-S-06-10725 LBR

Date: April 26, 2007  
Time: 9:30 a.m

**Affecting:**

☐ All Cases

**or Only:**

- ☒ USA Commercial Mortgage Company  
☐ USA Capital Realty Advisors, LLC  
☐ USA Capital Diversified Trust Deed Fund, LLC  
☐ USA Capital First Trust Deed Fund, LLC  
☐ USA Securities, LLC

**AMENDED ORDER SUSTAINING TWENTIETH OMNIBUS OBJECTION OF  
THE USACM LIQUIDATING TRUST TO CLAIMS ASSERTING SECURED  
STATUS EXCEPT PROOF OF CLAIM NOS. 10725-01590, 01595 AND 01599  
FILED BY THE MAYO FAMILY TRUST; AND 10725-01591, 01592, 01593 AND  
01594 FILED BY MONROE MAYO AND PROOF OF CLAIM NOS. 10725-00444  
AND 10725-00445 FILED BY BOBBIE MARRS (Amended as to adding  
inadvertently omitted claimant, Marlin McAllister, to Exhibit A)**

The USACM Liquidating Trust (the "USACM Trust") filed its Twentieth Omnibus Objection to Claims Asserting Secured Status [DE 3172] (the "Objection") on March 20, 2007. Appropriate notice of the Objection was given. Responses to the Objection were filed with the Court as follows:

- Opposition was filed by the Mayo Family Trust and Monroe Mayo [DE 2477] regarding Claim Nos. 10725-01590, 10725-01595, 10725-01591, 10725-01592, 10725-01593, 10725-01594 and 10725-01599. An Order Approving Stipulation with counsel allowing these Direct Lender claims as unsecured claims, albeit subject to further objection, was signed by this Court on May 21, 2007 [DE 3748]. Counsel deleted the Mayo Family Trust's and Monroe Mayo claims from the exhibit to the Nineteenth Omnibus Objection attached to this Order.

- Informal response was received from Bobbie Marrs pertaining to Claim Nos. 10725-00444 and 10725-00445. Counsel filed a motion for summary judgment as to these claims on July 30, 2007 [DE 4291]. Counsel deleted Ms. Marr's claims from the Exhibit to the Twentieth Omnibus Objection attached to this Order.

No other responses were filed with this Court. The Objection came before the Court for hearing on April 26, 2007 at 9:30 a.m. Good cause appearing, it is

**ORDERED:**

- Sustaining the USACM Trust's Twentieth Omnibus Objection to Claims Asserting Secured Status;
- Reclassifying the Proofs of Claim listed on Exhibit A attached as general unsecured claims; and

• Reserving the right of any party in interest, including the USACM Trust, to further object to any and all claims listed on Exhibit A attached as unsecured claims or otherwise, whether or not the subject of this Objection.

###

PREPARED AND SUBMITTED:

**LEWIS AND ROCA LLP**

By: /s/ RC (#0006593)

Susan M. Freeman

Rob Charles

*Attorneys for USACM Liquidating Trust*

#### CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☒ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who have appeared at the hearing regarding this matter and/or who filed a written objection and each has:
- ☐ approved the form of this order;
- ☐ waived the right to review the order;
- ☐ failed to file and serve papers in accordance with LR 9021(c); and/or
- ☒ failed to sign and return this proposed order within five (5) business days in accordance with LR 9021(b).
- ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who appeared at the hearing regarding this matter and/or who filed a written objection and all have either approved the form of this order, waived the right to review the order, failed to file and serve papers in accordance with LR 9021(c) and the following have disapproved the form of the order.
- ☐ No opposition was filed and no other party or counsel appeared at the hearing.

1 **LEWIS AND ROCA LLP**

2  
3 By: /s/ RC (#0006593)

4 Susan M. Freeman

5 Rob Charles

*Attorneys for USACM Liquidating Trust*

6 APPROVED/DISAPPROVED

APPROVED/DISAPPROVED

7 **DEANER, DEANER, SCANN, MALAN**  
8 **& LARSEN**

9  
10 Bobbie Marrs

By:

Susan Williams Scann, NV 776

*Attorneys for Mayo Family Trust*

**20th Objection to Claims Asserting Secured Status - Reclassify as General Unsecured Claims**

	<u>Claimant</u>	<u>Proof of Claim Number</u>	<u>Date Filed</u>	<u>Proof of Claim Amount</u>	<u>Proof of Claim Classification</u>
1	Marilyn Johnson Living Trust 1010 Larue Ave Reno, NV 89509	10725-02125	1/11/2007	\$101,400.00	S, U
2	Marion C Sharp Trust C/O Marion C Sharp Trustee 20 Leroy Ter New Haven, Ct 06512-3114	10725-02329	1/13/2007	\$7,500.00	S, U
3	Mark Combs Pension & Psps The 4790 Caughlin Pkwy Reno, NV 89509-0907	10725-00272	9/27/2006	\$4,406.02	S
4	Mark Daniel Donnolo, An Unmarried Man 6413 Hillside Brook Ave Las Vegas, NV 89130	10725-00627	10/18/2006	\$600,000.00	S
5	Markwell Ttee Of The, Terry Terry Markwell Profit Sharing Pl 12765 Silver Wolf Rd Reno, NV 89511	10725-01969	1/10/2007	\$403,853.21	S, U
6	Markwell Ttees Of The Markwell Family, Terry & Christiane 12765 Silver Wolf Rd Reno, NV 89511	10725-01967	1/10/2007	\$355,243.26	S, U
7	Markwell, Monique 100 North Arlington Ave #9H Reno, NV 89501	10725-01968	1/10/2007	\$101,192.45	S, U
8	Marlin Leasing Corporation 300 Fellowship Rd. Mount Laurel, NJ 08054-1201	10725-00007	5/11/2006	\$28,511.66	S
9					
10					
11	Marshal Brecht Trust Marshall J & Janet L Brecht Trustee 640 Colonial Cir Fullerton, CA 92835	10725-02178	1/12/2007	\$1,709,011.00	S, U

12	Marston Family Trust The E Grace Marston Trustee 12441 Road 44 Mancos, CO 81328	10725-00880	11/1/2006	\$50,307.18	S
13	Marston Family Trust The E Grace Marston Trustee 12441 Road 44 Mancos, CO 81328	10725-00887	11/1/2006	\$53,203.09	S
14	Marston Family Trust The E Grace Marston Trustee 12441 Road 44 Mancos, CO 81328	10725-00889	11/1/2006	\$52,430.56	S
15	Marston Family Trust The E Grace Marston Trustee 12441 Road 44 Mancos, CO 81328	10725-00891	11/1/2006	\$53,090.94	S
16	Marston Family Trust The E Grace Marston Ttee 12441 Road 44 Mancos, CO 81328	10725-00883	11/1/2006	\$1,069.98	S
17	Marston Family Trust E Grace Marston Trustee 12441 Road 44 Mancos, CO 81328	10725-00885	11/1/2006	\$51,825.95	S
18	Marston, John M & Linda S 12441 Road 44 Mancos, CO 81328	10725-00869	11/1/2006	\$52,430.56	S
19	Marston, John M & Linda S 12441 Road 44 Mancos, CO 81328	10725-00870	11/1/2006	\$52,298.62	S
20	Marston, John M & Linda S 12441 Road 44 Mancos, CO 81328	10725-00871	11/1/2006	\$51,913.56	S
21	Marston, John M & Linda S 12441 Road 44 Mancos, CO 81328	10725-00872	11/1/2006	\$136,119.67	S
22	Marston, John M & Linda S 12441 Road 44 Mancos, CO 81328	10725-00878	11/1/2006	\$1,104.07	S
23	Marston, John M & Linda S 12441 Road 44 Mancos, CO 81328-9213	10725-00873	11/1/2006	\$102,950.92	S, U
24	Marston, John M & Linda S 12441 Road 44 Mancos, CO 81328-9213	10725-00876	11/1/2006	\$98,627.57	S, U

25	Martin IRA, Geraldine E 4786 Village Green Pkwy Reno, NV 89509-8030	10725-00772	10/27/2006	\$50,000.00	S
26	Martin Irwin 5221 Lindell Road M102 Las Vegas, Nv 89118	10725-00598	10/16/2006	\$24,023.66	S
27	Martin, Geraldine 2605 E Flamingo Rd Las Vegas, NV 89121	10725-00773	10/27/2006	\$50,000.00	S
28	Martin, Jerrold T & James T 8423 Paso Robles Northridge, CA 91325	10725-00320	9/29/2006	\$2,630.83	S, P
29	Martin, Jerrold T & James T 8423 Paso Robles Northridge, CA 91325	10725-00320	9/29/2006	\$2,630.83	S, P
30	Martinez Family Trust Marcella & Ross Martinez Ttees 2283 Vegas Valley Dr Las Vegas, NV 89109-1875	10725-01180	11/10/2006	\$50,500.00	S
31	Martinez, Leonard & Tara 6297 Elvido Ave Las Vegas, NV 89122-7562	10725-01181	11/10/2006	\$32,500.00	S
32	Marvin & Valliera Myers Trust 3655 S Decatur #14-169 Las Vegas, NV 89103	10725-00182	9/1/2006	\$35,627.08	S
33	Mary E Dunlop 1992 Trust Dtd 7/29/03 Mary E Dunlop Trustee 10969 Las Casitas Atascadero, CA 93422	10725-00565	10/12/2006	\$101,429.17	S
34	Massry, Morris C/O Segel Goldman Mazzotta & Siegel Pc 9 Washigton Sq Albany, NY 12205	10725-01898	1/9/2007	\$1,802,040.00	S
35	Mathieu, Maria 2623 Albano Villa Ct Las Vegas, Nv 89121	10725-00560	10/12/2006	\$50,000.00	S
36	Maurice Fink Trust C/O Maurice Fink Trustee 3111 Bel Air Dr #15G Las Vegas, NV 89109	10725-00165	8/28/2006	\$253,732.64	S

37	Maurice Fink Trust Maurice Fink Ttee 3111 Bel Air Dr #15G Las Vegas, NV 89109	10725-00179	9/1/2006	\$305,375.00	S
38	Maurice Fink Trust Maurice Fink Ttee 3111 Bel Air Dr #15G Las Vegas. NV 89109	10725-00198	9/8/2006	\$253,732.64	S
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46	McMallister, Marlin 2670 Marvin Trail Redding, CA 96001	10725-00741	10/26/2006	\$20,000.00	S